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1958

October 17

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OCT 01 1998

Mr. Russell B. Tobey, Director
Recreation Division
Forestry and Recreation Commission
State House Annex
Concord, New Hampshire

CONCORD, N.H.

Dear Mr. Tobey:

This is in reply to your letter of October 16, 1958, in which you request our opinion as to whether expenditures for certain purposes may be made from the appropriation contained in Laws 1957, chapter 352, Joint Resolution for the protection of the Old Man of the Mountain. This joint resolution provides in part as follows:

"That the sum of twenty-five thousand dollars is hereby appropriated . . . for the purpose of grouting of fissures on the mountain where the profile of the old man of the mountain is located . . ."

You state that acting under the authority of this joint resolution certain work has been done for the protection of the Old Man but questions have since arisen as to the adequacy of the work done and as to whether or not additional work should be considered to assure the greater protection of this rock formation. You propose to establish an advisory board of nationally eminent consultants who would make a further examination of the Old Man and then report their findings as to the adequacy of the work already done and their recommendations as to further steps to be taken. Your inquiry is whether the funds appropriated by this joint resolution may be used to pay the compensation and expenses of this board.

It is clear that the money appropriated by this joint resolution is for a very restricted purpose, namely, grouting of fissures on the mountain. If the legislature had intended to authorize repair work of a broader nature they could have said so very easily and consequently it appears that the money appropriated may be expended only in connection with grouting work. It is therefore our opinion that it

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Mr. Russell B. Tobey, Director

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would be proper to pay the advisory board for their services in checking on the adequacy of the grouting which has already been done but that it would be beyond the scope of the appropriation to pay them for going further than that and consequently they could not be paid for making a study and report with regard to additional work which may appear to be desirable for the purpose of preserving the Old Man.

I am enclosing an extra copy of this opinion at your request.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/l^t
Encl.